S.B. CR.MISC.BAIL APPLICATION NO.2196/2007.
Jagdish Prasad Vs. State
Date of order : 10/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri O.P. Mishra for the petitioner.
Shri S.N. Gupta P.P. for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner argued that lodgment of the first information report against the petitioner was result of matrimonial dispute with his wife. In fact, the marriage had taken place as far as back on 16/4/2000. His relations with the wife got strained therefore, the wife deserted him on 14/1/2005. He filed an application for restitution of conjugal rights in the Family Court, Jaipur on 17/1/2006. Enraged by that, father of the wife has lodged the first information report against the petitioner and his family members on 15/3/2007. The police has already made recovery in so far as offence under 406 IPC is concerned. The petitioner is in confinement since 2/4/2007. Mother and father of the petitioner were also arrested but have already been enlarged on bail by the court of sessions.

Learned Public Prosecutor has opposed the bail application.

Without expressing any opinion on the merits of this case but taking into consideration the facts and circumstances of the case, I deem it appropriate to enlarge the petitioner on bail.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Jagdish Prasad S/o Rameshwar Prasad shall be released on bail in F.I.R. No.72/2007 P.S. Chandwaji, Jaipur subject to his furnishing a personal bond in the sum of Rs.20,000/- together with two sureties in the sum of Rs.10,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

(MOHAMMAD RAFIQ), J.

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